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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/572,630	12/15/2006	Markus Kloss	12400-062	9702
757 7590 08/17/2009 BRINKS HOFER GILSON & LIONE P.O. BOX 10395 CHICAGO, IL 60610				
EXAMINER SPISICH, GEORGE D				
ART UNIT		PAPER NUMBER		
3616				
MAIL DATE		DELIVERY MODE		
08/17/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/572,630

Applicant(s)

KLOSS ET AL.

Examiner

GEORGE D. SPISICH

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4-8, 11 and 12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 5, 8, 11 and 12 is/are rejected.
- 7) ☒ Claim(s) 4, 6 and 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 March 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a) because they fail to show the inner diameter of the deflector being the same as the outer diameter of the ends of the gas generator (in Figure 3) as described in the specification. Currently, Figure 3 contradicts this detail. The newly added detail to Figure 2 has been accepted, however, it still requires a correction of Figure 3 since there is an inaccurate gap shown in Figure.

3. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and

informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,5,8,11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Acker et al. (USPN 5,536,041) in view of Acker et al. (USPN 6,349,964).

Acker '041 shows a gas deflector (23) for use with an airbag. The deflector is used with a gas generator (16) having a first mounting stud (28 and inherently 26, shown in Fig. 3 as screwed into the generator), and the deflector comprises a generally tubular hollow housing to accommodate the gas generator which is positioned inside the tubular housing. The tubular housing has two terminal portions and an intermediate portion (18) provided with a radially outwardly extending formation (shown in Fig. 3). There are first and second apertures (gaps between the raised formation and the generator which are shown in Figs. 2 and 3) through which gas from the generator may flow in a direction substantially parallel to the longitudinal axis of the tubular hollow housing. It is not required that all of the gas flow substantially parallel, and even though there are outlet holes (24), the gaps at the ends of the intermediate portions may allow

for some of the gas to flow in the claimed manner. The deflector is provided with a second mounting stud (29) and part of one end of the deflector is cutaway (provided with a bolt hole for bolt 26) to receive the first mounting stud of the gas generator. The deflector is configured to be positioned in the airbag. The formation (see Fig. 3) forms a shape corresponding to a bridge with the first and second being defined underneath the bridge.

The cylindrical gas generator has at least one gas outlet aperture (17) formed on a side wall thereof and aligned (at least axially) with the formation. The gas generator (as shown in Fig. 3) has an external diameter (at least in the bottom half of the generator/deflector connection) corresponding to the internal diameter of the terminal portions of the deflector.

However, Ackers '041 does not show the generator/deflector arrangement positioned within an airbag having first and second chambers and the first and second apertures disposed in the first and second chambers respectively for direct fluid communication therewith, and the airbag clamped to the deflector to obstruct gas from flowing directly between the first and second chambers, although Ackers '041 does clamp the airbag to the deflector.

Ackers '964 discloses a common arrangement of mounting a generator/deflector in a two chambered airbag, with one (group) of apertures in direct fluid communication and disposed within a first chamber and a second (group) of apertures in direct fluid communication and disposed within a second chamber. It is common to direct fluid into respective airbag chambers. Furthermore, Ackers '964 shows clamping the airbag to

the deflector (similar to Ackers '041) and in this manner would "obstruct" gas from flowing directly between the two internal chambers.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a generator/deflector arrangement as shown by Ackers '041 in the multi-chambered airbag of Ackers '964 as airbag and generator/deflector arrangements are interchangeable and it would provide inflation fluid into respective airbag chambers.

Allowable Subject Matter

Claims 4,6 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment of claim 1 to include (at least) an airbag with "direct" fluid communication between the deflector apertures and the first and second chambers respectively and the differently combined claimed subject matter has resulted in the new grounds of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kumagai et al. (USPUB 2003/0160433), White Jr. et al. (USPN 5,613,704).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **GEORGE D. SPISICH** whose telephone number is (571) 272-6676. The examiner can normally be reached on Monday-Friday from 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on (571) 272-7742. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/GDS/
Examiner, Art Unit 3616
August 12, 2009

/Paul N. Dickson/
Supervisory Patent Examiner, Art Unit 3616